IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.11629 of 1995

Between:

M/s.Diamond Hatcheries Private Limited, a company incorporated under the provisions of the Indian Companies Act, having its Registered office situate at 3-5-907/2, Himayathnagar, Hyderabad and unit situate at
Kodepak Village, Hathnural Mandal, Medak District, represented by its Director Chandra Mohan.

...PETITIONER

AND

1. The Superintending Engineer, Operation Rural Circle, APSEB, Hyderabad.
2. The Divisional Engineer, Electrical Operations, APSEB, Medak.
3. The Assistant Divisional Engineer, Operation APSEBOARD, Narsapur, Medak District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction more particularly one in the nature of Writ of Certiorari calling for the records relating to the proceedings in Lr.No.ADE/O/NPR/Malpractice/F.No.13/D.No.83, dt.29-5-1995 issued by the 3rd respondent by quashing the same as being illegal, arbitrary, violative of Articles 14 and 300-A of the Constitution of India and consequently direct the respondents not to disconnect the service connection of the petitioner company's unit situate at Kodepak Village, Hathnural Mandal, Medak Dist and pass

Counsel for the Petitioner: MR.P.VENUGOPAL

Counsel for the Respondents: MR.K.RAVINDRA KUMAR

The Court made the following:

ORDER:

The petitioner was availing power supply from the respondent under Service Connection Nos.54 and 55 under L.T. category III for running its business. The contracted maximum demand was 74 HP. So as to avail more demand, he made an application to the Chief Engineer for sanction of additional load. The same was sanctioned by the Divisional Engineer vide proceedings dated 24.12.1994. It appears that on 27.05.1995, the third respondent inspected the business premises of the petitioner and found that the unit was connected with a load of 136.24 HP against the sanctioned load of 74 HP. Therefore, the third respondent came to a conclusion that the petitioner has misused power of load of 62.24 HP unauthorizedly and that the petitioner is guilty of malpractice. Accordingly, the third respondent valued the energy misused as Rs.3,88,666/- (Rupees three lakh eighty eight thousand six hundred and sixty six only), and disconnected the power supply and informed the petitioner to pay an amount of Rs.1,94,333/- (Rupees one lakh ninety four thousand three hundred and thirty three only) being half of the amount valued for misuse of energy. Assailing the same, the present Writ Petition is filed.

Learned counsel for the petitioner, Sri P.Venugopal invited the attention of the Court to the letter vide Lr.No.DEE/OP/MDK/ Comml/F.Diamond Hat/D.No.1969, dated 24.12.1994 and submitted that the allegation that the petitioner has misused the power and is guilty of malpractice, stands belied by the letter of Divisional Engineer sanctioning additional load to the petitioner. There is force in the submission of the learned counsel.

Be that as it is, after receipt of provisional assessment notice, it would be better if the petitioner approaches the respondents along with a copy of the letter of Divisional Engineer, dated 24.12.1994, wherein he was sanctioned additional load. If the petitioner has already paid half of the amount and is not in arrears in relation to the petitioner current consumption charges (CCC) as well as the energy availed, no coercive steps shall be taken against the petitioner. As and when the petitioner approaches the respondents, the matter shall be decided expeditiously, within a period of four (4) weeks from the date of receipt of the representation.

The Writ Petition, with the above observations, is disposed of.

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(V.V.S.RAO, J)

14th July 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copies To:

1. The Superintending Engineer, Operation Rural Circle, APSEB, Hyderabad.
2. The Divisional Engineer, Electrical Operations, APSEB, Medak.
3. The Assistant Divisional Engineer, Operation APSEBOARD, Narsapur, Medak District.

4. Two CD copies.